



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

**JUN 5 2014**

Tyrone Kelley  
Forest Supervisor, Six Rivers National Forest  
1330 Bayshore Way  
Eureka, CA 95501-3834  
Attn: Smith River NRA Travel Management

Subject: Draft Environmental Impact Statement for The Smith River National Recreation Area Restoration and Motorized Travel Management Project, Del Norte County, California. (CEQ# 20140110)

Dear Mr. Kelley:

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Impact Statement for The Smith River National Recreation Area Restoration and Motorized Travel Management Project. Our review is provided pursuant to the National Environmental Policy Act, the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

EPA supports the Forest Service's effort to address increased motorized vehicle use on national forest lands and the related issues of resource damage, user conflicts, maintenance, monitoring and enforcement. We support the transition from unmanaged motorized recreation to managed recreational travel on designated travel routes. Managed recreational travel is essential in ensuring ecosystem sustainability, protecting forest resources, and providing equitable accommodation for both motorized and non-motorized recreation use. EPA commends the Forest Service for its efforts to address the many challenges inherent in developing a balanced motorized travel management plan that responds to recreational and resource management demands.


While EPA approves of the goals of this project, we have serious concerns regarding the feasibility of implementation in light of the budgetary constraints described in the DEIS. Under existing conditions, the Smith River NRA has an annual road and trail maintenance deficit of approximately \$650,000. Some project alternatives could increase and others decrease this annual shortfall. According to the DEIS, the one-time implementation expense of the action alternatives ranges from \$6.3 to \$7.3 million dollars; however, the DEIS does not describe how funding for these activities would be secured. In the absence of sufficient funding, the full effects of project implementation, both adverse and beneficial, as disclosed in the DEIS, may not come to fruition. In addition, the DEIS does not disclose which project components would be implemented and which would be deferred should project funding fall short of the identified

need. Without this information, it is difficult to determine what the environmental consequences of the proposed actions will truly be.

We have rated all project alternatives proposed in the DEIS as Environmental Concerns – Insufficient Information (EC-2) (see enclosed “Summary of Rating Definitions”) due to our concerns regarding project funding, water resource impacts, and naturally occurring asbestos. In the enclosed detailed comments we provide specific recommendations regarding analyses and documentation needed to assist in assessing the potentially significant impacts from the proposed Project and the action alternatives. The DEIS does not identify a “preferred alternative.” Based upon our review, we recommend the selection of Alternative 5 as the preferred alternative due to the increased benefits and protections this alternative offers for water quality, cultural resources, sensitive species and their habitats, and its lower relative cost.

We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send one hard copy and one CD ROM to the address above (mail code: ENF-4-2). If you have any questions, please contact me at (415) 972-3521, or contact Carter Jessop, the lead reviewer for this project. Carter can be reached at (415) 972-3815 or [jessop.carter@epa.gov](mailto:jessop.carter@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Carolyn Mulvihill for".

Kathleen Martyn Goforth, Manager  
Environmental Review Section  
Enforcement Division

Enclosures:

Summary of Rating Definitions  
Detailed Comments

# **SUMMARY OF EPA RATING DEFINITIONS\***

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

## **ENVIRONMENTAL IMPACT OF THE ACTION**

### ***“LO” (Lack of Objections)***

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

### ***“EC” (Environmental Concerns)***

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

### ***“EO” (Environmental Objections)***

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

### ***“EU” (Environmentally Unsatisfactory)***

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

## **ADEQUACY OF THE IMPACT STATEMENT**

### ***Category “1” (Adequate)***

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

### ***Category “2” (Insufficient Information)***

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

### ***Category “3” (Inadequate)***

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

### **Funding and National Forest Transportation System Maintenance Backlog**

All action alternatives discussed in the DEIS have clear benefits to water quality, aquatic resources, wildlife, and other resources as compared to the no action alternative. EPA strongly supports the implementation of an action alternative, however, we have significant concerns regarding the feasibility of project implementation given the stated budgetary constraints and annual maintenance deficit, as discussed in the “Transportation Facilities” section of Chapter 3. Page 47 of the DEIS indicates that road maintenance funding for the Six Rivers National Forest has experienced a long term declining trend, while annual maintenance demands have continued to increase. The Smith River National Recreation Area averages an approximate \$650,000 deficit of the necessary funds for annual routine maintenance. As a consequence, nearly 50 percent of stream crossings in the NRA are in need of routine maintenance. The maintenance backlog within the NRA has significant short and long term consequences for water quality, including an increase in sediment load in NRA watersheds, impacts on wildlife, and the potential for an increased mass wasting hazard (p. 72).

***Recommendation:*** The FEIS should include a short discussion of the effect of the National Forest Transportation System maintenance backlog on each major resource area discussed in Chapter 3 and the extent to which each Alternative’s described environmental outcomes are dependent upon the elimination of this backlog.

Table 150 of the DEIS identifies implementation and annual maintenance costs by alternative. Implementation expense of the action alternatives ranges from \$6.3 to \$7.3 million dollars, however, EPA was unable to identify a discussion of how this funding would be secured, nor does the DEIS discuss the consequence with regard to the environmental outcomes predicted should the necessary funds fail to be allocated. It is reasonable to expect that, in the absence of full project implementation and sufficient funding, the short and long term effects of the project would differ significantly from those disclosed in the document. Furthermore, monitoring and mitigation activities with the potential to affect environmental outcomes are also predicated upon funding availability (for example water resource monitoring, page 565).

***Recommendations:*** The FEIS should discuss the likelihood that sufficient funding will be made available for project implementation. The FEIS should also discuss which project components would be given priority for implementation and the extent to which this would affect environmental outcomes should sufficient funds be absent in future budgets. It would be helpful to include a short description of the most likely project build-out scenario in light of budgetary constraints.

Page 40 of the DEIS states as an assumption inherent to this NEPA analysis that “The [NFTS] will be maintained to standard and all additions or changes to the NFTS will meet standards prior to availability for public use,” EPA questions the validity of this assumption in light of the enormous maintenance backlog and the improbability that this backlog will be eliminated in the near future.

**Recommendation:** The FEIS should discuss the basis for this assumption and whether it is reasonable in light of the facts provided with regard to trail and road way conditions and maintenance backlog.

EPA notes that Alternative 5 is the least costly action alternative described with regard to both implementation expense and annual maintenance costs.

**Recommendation:** The FEIS should discuss the extent to which the relative expense of the various action alternatives affects the likelihood of the environmental outcomes described for each.

### **Water Quality**

Off highway vehicle use can adversely affect water quality, sensitive fish habitat, and other aquatic resources by compacting soil, disturbing or eliminating vegetative cover, decreasing water infiltration, and increasing surface runoff and erosion. These effects are magnified on steep slopes or in erosive, unstable soils. In addition, under-maintained roadways pose a significant risk to water quality and aquatic resources due to blocked culverts, erosion, rilling, and increased mass wasting hazard. The incorporation of unauthorized routes into the NFTS will increase the maintenance burden on the Smith River NRA. In light of the budgetary constraints discussed above, it seems probable that the motorized routes added to the NFTS may be under-maintained in the future; minimizing the total miles of NFTS routes would serve to minimize this future impact.

**Recommendations:** The FEIS should discuss the likelihood that unauthorized routes added to the NFTS would be under-maintained following project implementation and the effect this may have upon water quality. The Forest should consider alternatives that minimize the potential impact of roadways and motorized routes upon water quality, aquatic species, and watershed health.

EPA supports the implementation of seasonal closures to avoid and minimize the adverse effects of motorized vehicle use during the conditions in which unpaved roadways are the most susceptible to erosion. The DEIS indicates that motorized recreation on unpaved routes within the NRA is limited to the months of May through October. Page 33 of the DEIS addresses the notion of using rainfall based or ground-condition based wet weather closures under the heading "alternatives considered but eliminated from detailed study." While EPA recognizes that, as stated on page 33 of the DEIS, the scope of possible actions available to the Forest is constrained by regulation, we encourage the Forest Service to consider whether an administrative action might enable the use of a precipitation-based approach to seasonal route closures. A precipitation or ground condition-based closure could offer greater protection to sensitive resources, such as water quality, aquatic species and Port-Orford-cedar, while minimizing the effect of seasonal closure on motorized recreational users. Furthermore, changes in patterns of precipitation and snowmelt are predicted effects of global climate change. Route open and closure determinations based on date alone may limit the Forest Service's ability to adapt to changes of this sort in the short term. This approach would be generally consistent with the structural policy goals set forth in the USFS' "Strategic Response to Climate Change" (page 5):  
<http://www.fs.fed.us/climatechange/documents/framework-draft-discussion-paper.pdf>

**Recommendations:** The Forest should further consider what actions would be necessary to enable the use of a precipitation or ground-condition based seasonal closure system. The FEIS should describe the circumstances in which such a modification to the season of use rules could be implemented. If such a revision is deemed feasible and within the scope of this project, the FEIS should fully analyze this project component, describing the potential beneficial and adverse consequences of this action. If this modified season of use approach is implemented, EPA recommends that once a road closure occurs due to wet road conditions, those roads and routes should remain closed until the end of the wet season in order to minimize public confusion and simplify enforcement.

### **Air Quality and Naturally Occurring Asbestos**

As stated in our June 4, 2012 scoping comments for this project, two-stroke engines of all-terrain vehicles allow up to one third of the fuel delivered to the engine to be passed through the engine and into the environment virtually un-burned. A majority of these hydrocarbons are aromatic hydrocarbons, including polyaromatic hydrocarbons, which, as a group, are considered to be the most toxic component of petroleum products. Aromatic hydrocarbons are also associated with chronic and carcinogenic effects. Increased ATV use could increase pollutant emissions in valleys that have frequent inversion conditions and periods of poor air dispersion. The air quality section of Chapter 3 of the DEIS does not address the potential human health effects of OHV use within the NRA.

**Recommendation:** We recommend that the FEIS provide a detailed evaluation of the potential accumulation of hazardous pollutants from the use of OHVs in mountain valleys subject to frequent inversion conditions. We also recommend a discussion of the potential human health effect of exposure to these harmful compounds as a consequence of OHV use within the Smith River NRA.

The DEIS states that asbestos-bearing ultramafic rock occurs throughout the Smith River NRA, including many of the unauthorized routes proposed for addition to the NFTS. EPA notes that the Forest performed laboratory testing on material taken from the road surface of 27 of these unauthorized routes and found that the majority of these routes contained NOA and six of the 27 contained concentrations in excess of 0.25 percent (p. 279). Asbestos levels even less than 0.25 percent in soil can generate airborne asbestos at hazardous levels. The DEIS states that there are no plans to conduct additional laboratory work to determine the content of asbestos on the unauthorized routes that have not yet been tested. EPA notes that the DEIS states that for all routes with the potential to contain NOA, the Forest will inform the public of the risk of potential exposure on these roadways, impose reduced speed limits in these areas, and provide signage to these effects along these routes.

**Recommendations:** EPA recommends that the FEIS expand upon the NOA analysis provided in the DEIS. For those routes where laboratory testing has found the roadway to contain NOA, or for routes suspected to contain NOA, we recommend that background asbestos concentrations in the air be determined, based on proper sampling protocols, and disclosed in the FEIS. We refer you to EPA Region 9's asbestos web page at <http://www.epa.gov/region9/toxic/noa/> and the California Air Resources Board's (CARB) asbestos web page at <http://www.arb.ca.gov/toxics/asbestos/asbestos.htm> for useful information on NOA, including air monitoring.

We recommend that the FEIS contain more detailed maps of the location of known and probable NOA. While the DEIS contains such a map at page 280, it is of a low resolution and would not serve to sufficiently inform a potential recreational user of the location and extent of probable NOA hazards.

Furthermore, we recommend that the FEIS discuss:

- The potential for releases of asbestos minerals to soils and surface waters from ground disturbing activities, such as road decommissioning and restoration work, as well as from OHV use upon these routes,
- The potential for indirect exposure to others outside the project area from “track out” from contaminated vehicles, equipment, and clothing transported off the project site,
- Measures that would be implemented to protect human health during project work, including OSHA requirements that would apply to workers, and measures to prevent track out (e.g., vehicle wash rack),
- Measures to prevent releases of asbestos minerals from disturbed areas and roads to soils and surface waters, and
- Air monitoring measures during the project, including those for asbestos.

### **Miscellaneous**

Table 10 on page 36 of the DEIS ranks the project alternatives with regard to their impact upon each resource area. The table provides a rank from 1-5, wherein 1 indicates the greatest impact upon the specified resource to 5 indicates the least impact. However, the potential impact upon the various resources listed is detrimental in some cases and beneficial in many others. For this reason, we find this ranking system to be confusing and difficult to decipher.

***Recommendation:*** For greater clarity, we recommend that this table be revised to differentiate beneficial and detrimental impacts.